IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 14626 of 2007(N)

PETITIONER:
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1. MICHAEL, AGED 52 YEARS,
S/O.MATHEW, ANTHIKATTU HOUSE, KOONAMMAVU P.O.,
ERNAKULAM.

2. SEBASTIAN, AGED 48 YEARS,
S/O.MATHEW, ANTHIKATTU HOUSE, KOONAMMAVU P.O.,
ERNAKULAM.

3. THOMAS, AGED 43 YEARS,
S/O.MATHEW, ANTHIKATTU HOUSE, KOONAMMAVU P.O.,
ERNAKULAM.

4. K.M.RAJENDRA PAI, AGED 44 YEARS,
KALAPARAMBATH, THEVARKAD, VARAPUZHA.

5. SHINY TOMY, AGED 35 YEARS,
W/O.JOMY, CHANDANAPARAMBIL, THEVARKAD,
VARAPUZHA.

6. BABY KARIKASSERY, AGED 40 YEARS,
PUTHENPALLY, VARAPUZHA.

BY ADV. SRI.ANIL KUMAR SREEDHARAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR, ERNAKULAM.

3. ADDL.DISTRICT MAGISTRATE,
ERNAKULAM.

4. KERALA STATE ELECTRICITY BOARD,
REP. BY CHAIRMAN, VYDYUTHI BHAVANAM,
THIRUVANANTHAPURAM.

5. ASST.EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
SUB STATION SUB DIVISION, KURUMASSERY.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE IMPUGNED ORDER PASSED BY THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF THE ORDER PASSED BY THE THIRD RESPONDENT IN CASE NO. K.DIS/3425/M5

EXT.P2(a) TRUE COPY OF SKETCH ATTACHED WITH EXT.P6

EXT.P3 TRUE COPY OF ROUGH SKETCH INTERALIA PICTURISING THE DEVIATION, PETITIONERS' PROPERTY.

EXT.P4 TRUE COPY OF INTERIM RELIEF GRANTED BY THE HON'BLE HIGH COURT IN WPC 7350/2007

EXT.P5 TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT IN WPC 7350 OF 2007

EXT.P6 TRUE COPY OF OBJECTION FILED BY THE PETITIONERS BEFORE THE THIRD RESPONDENT IN CASE NO. M5-18782/2007

EXT.P7 TRUE COPY OF STATEMENT OF FACTS OF 5TH RESPONDENT IN CASE NO. M5-18782/2007

EXT.P8 TRUE COPY OF THE SITE INSPECTION REPORT OF 5TH RESPONDENT IN CASE NO. K.DIS/3425/M5

EXT.P8(a) TRUE COPY OF DIAGRAM ATTACHED WITH EXT.P8

EXT.P9 TRUE COPY OF SITE INSPECTION REPORT OF VILLAGE OFFICER.

EXT.P10 TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT FOR A DIRECTION TO THE 5TH RESPSONDENT TO KEEP EXECUTION/IMPLEMENTATION OF EXT.P1 ORDER IN ABEYANCE.

5TH RESPONDENT'S EXHIBITS:

EXT.R5(a) PHOTOCOPY OF THE SKETCH PREPARED BY ASST. EXE. ENGINEER, SUB STATION K.S.E.B., KURUMASSERY.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 14626 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

Petitioners are challenging drawal of 33 KV electric line alleging that line is causing obstruction to their property. Standing counsel for the KSEB produced a sketch which shows that line already drawn is on the side of the national highway. In the impugned order the Addl. District Magistrazte has also approved drawal of line on the side of national highway. If the line is on the national highway, then petitioners have no right to object to the same on the ground that it is in front of their shops. For the sake of petitioners' convenience, line obviously cannot be shifted from the national highway. However, if there is any violation of the Addl. District Magistrate's order, petitioners are free to point out the same to the Addl. District Magistrate to ensure that line is shifted and maintained on the side of national highway.

W.P. is closed as above.

(C.N.RAMACHANDRAN NAIR)
Judge